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SENATOR FOWLER: Then I would not offer such an amendment now, but I would offer it on Select File. It seems to me that at least my preference would be that the responsibility to decide who to assess should fall upon the Director of Insurance. I do believe that if there is this blanket assessment on dentists, on nurses, on chiropractors to provide medical malpractice insurance for the doctors and the hospitals that we in the Legislature are going to hear a wide variety of complaints about that assessment. I would just as soon leave the responsibility with the Director of Insurance to decide in his own judgment who should be assessed and how much. I would offer an amendment on Select File for that purpose.

PRESIDENT: Senator Duis.

SENATOR DUIS: Mr. President, members of the Legislature and Senator Murphy. I am not here to oppose your legislation, but, I am wondering just exactly what kind of an office we are going to create over in the department of insurance. Now, I may have the wrong idea as to what the Department of Insurance is there for, but I always thought that it was there and organized for the regulation and control of insurance companies and the protection of the people of the State of Nebraska. Apparently we are going now in this.....all this legislation, and all I am doing is asking you....you ask sometime and I will certainly ask the Department of Insurance what direction that we think they are going to take, whether or not they are going to be an organizer of insurance companies and such as that. I am disturbed with any type of legislation in a administrative department of government which has control of a particular situation as much as this. I think that we found during the Pioneer Insurance Company problem that we had that the insurance Director by law, that it was necessary for him to take over an insurance company which had a problem. I think that this is entirely just. But, Senator Murphy may I ask a question of you. That is did the Insurance Department, or does the Insurance Department desire to become a new function of government and that is reciprocal and also the director of insurance association.

SENATOR MURPHY: Senator Duis, of course I would repeat, first and foremost that this would be only an emergency proposition but I think that possibly speaking to what you are indicating that the Department of Insurance would contract with a servicing and existing servicing insurance company for the issuance and servicing of the insurance contracts. The Department itself is not going to get into the insuring business. It would contract it out, but it would simply supervise it on the basis of all private carriers are withdrawn so that there is no one to turn to on it, and he would simply supervise it and contract with an agency that would of course preclude the agency from standing any losses which theoretically is the reason that they would be withdrawing. I think that he is trying to make it as clean of an operation as possible and does not want to become a premium issuing agency.

SENATOR DUIS: Senator Murphy, I don't believe that the Insurance Department can contract with anybody. I am afraid that we are in deep water, because I don't know how he would contract with a brokerage agency to take care of this because you would have an immense amount of competition I would think